

OCT 15 2012

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 7:07CR00084
)	
vs.)	<u>FINAL ORDER</u>
)	
DANNY LEE PEOPLES,)	By: James C. Turk
)	Senior United States District Judge
Defendant.)	

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. The defendant's motion, styled as an "OMNIBUS MOTION TO MODIFY SENTENCE 18 U.S.C. § 3582(C)(1)(B) PETITION FOR A WRIT OF MANDAMUS," is **DENIED**, and the defendant's submission is CONSTRUED as a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C.A. § 2255;
2. The Clerk is **DIRECTED** to redocket the motion (ECF No. 300) as a § 2255 motion;
3. The § 2255 motion is hereby **DENIED** without prejudice as successive and stricken from the active docket;
4. The defendant's motion to reconsider (ECF No. 290) is **DENIED**; and
5. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

ENTER: This 15th day of October, 2012.

[Signature]

Senior United States District Judge